

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK


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| -----X | : | |
| UNITED STATES OF AMERICA | : | 19 Cr. 374 (JMF) |
| | : | |
| - v - | : | <u>ORDER</u> |
| | : | |
| MICHAEL AVENATTI, | : | |
| | : | |
| Defendant. | : | |
| -----X | : | |

JESSE M. FURMAN, United States District Judge:

Attached is a draft of the jury questionnaire that the Court intends to use on January 13, 2022, per the Court's November 10, 2021 Order. ECF No. 160. The parties shall file any suggestions or objections to the draft questionnaire by **10:00 a.m. on January 12, 2022.**

SO ORDERED.

Dated: January 11, 2022
New York, New York



JESSE M. FURMAN
United States District Judge

Juror Number: _____

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

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| UNITED STATES OF AMERICA | : | |
| | : | |
| -v- | : | 19 Cr. 374 (JMF) |
| | : | |
| MICHAEL AVENATTI, | : | <u>JURY QUESTIONNAIRE</u> |
| | : | |
| Defendant. | : | |
| | : | |
| ----- | X | |

JUROR INSTRUCTION SHEET

You may be required to return for the next phase of jury selection on **either January 20 or 21, 2022. PLEASE RETAIN THIS SHEET AND CALL (212) 805-0158 ON JANUARY 19, 2022, AFTER 6:00 P.M.** for further reporting instructions. **Please bring this instruction sheet with you to the courthouse if you are instructed to return.**

Juror Number: _____

PRELIMINARY INSTRUCTIONS

Please read the following instructions carefully before completing any portion of this questionnaire. Please print your juror number in the space provided at the top of **each** page. Please answer each and every question by circling your response or by providing the information requested. Please answer each question fully. Some questions have more than one part.

YOU ARE SWORN UNDER PENALTY OF PERJURY TO GIVE TRUE AND COMPLETE ANSWERS TO ALL QUESTIONS IN THIS QUESTIONNAIRE. Please take your time and read each question carefully. This questionnaire is designed to help simplify and shorten the jury selection process. The purpose of the questionnaire is to determine whether prospective jurors can decide this case impartially based upon the evidence presented at trial and the legal instructions given by the presiding judge. The questions are not intended to inquire unnecessarily into personal matters. Although some of the questions may appear to be of a personal nature, please understand that the Court and the parties must learn enough information about each juror's background and experiences to select a fair and impartial jury.

Please answer all questions to the best of your ability. If you do not know the answer to a question then write "I don't know." There are no "right" or "wrong" answers, only truthful answers. If you have strong feelings about this case, please share them. Although you may be a perfectly good juror for another case, this may or may not be the right case for you to sit on as an impartial juror. Both parties have the right to get honest answers and to hear your true opinions. Do not discuss the case or your answers with anyone. It is important that the answers be yours alone. Remember, you are sworn to give true and complete answers to all questions.

If you need extra space to answer any question, please use the blank pages following the Declaration at the end of the questionnaire. Be sure to indicate in that space the number of the question you are answering. Do not write anything on the back of any page. Whether you use the additional pages at the end or not, **please make sure that you sign the Declaration.** You may not complete the Jury Questionnaire without signing the Declaration.

DO NOT DISCUSS THE QUESTIONS, YOUR ANSWERS, OR THE CASE WITH ANYONE, NOW OR UNTIL FURTHER INSTRUCTED BY THE COURT. You should not discuss the questions or answers with fellow jurors. (If you have any questions about filling out the questionnaire, please ask a member of the Court's staff.) It is critical that your answers be your own individual answers. More broadly, do not discuss the case with anyone, including the lawyers (except in the presence of the Court), your fellow jurors, your family, your friends, or anyone else. Do not communicate about the case in any way, including telephone, e-mail, any social media app or website (such as Facebook), or any communications app or website (such as Twitter). You must also avoid reading or hearing about the case (or anyone participating in the case) in newspapers, in magazines, on the radio or television, or on the Internet.

DO NOT DO YOUR OWN RESEARCH ON THE CASE. Do not conduct any research into the case (or anyone participating in the case, including but not limited to Michael Avenatti; Stephanie Clifford, who is also known as Stormy Daniels; or counsel) at any time before your entire jury service has been completed. That includes performing Internet searches, asking other people about the case, reading news stories, books, or reports about the case, or watching films or television programs that relate to the case. Do not read, watch, or listen to any information

Juror Number: _____

about this case or the individuals participating in the case. If you are exposed to any such information, please alert the Court's staff immediately.

CONFIDENTIALITY: If you believe that any of your answers contain private information that could embarrass you or otherwise seriously compromise your privacy and wish to request that the Court keep them confidential and not distribute them beyond the judge and counsel, you may indicate that in the last question of this questionnaire. (Please identify the specific answer or answers that you believe should remain confidential.)

SUMMARY OF THE CASE

The Court is selecting a jury for a three- to four-week trial. Jury selection will continue on either Thursday, January 20, 2022, or Friday, January 21, 2022, after which trial will begin. Thus, the proceedings should end no later than Friday, February 18, 2022.

This is a criminal case. The defendant, Michael Avenatti, has been charged in an indictment with wire fraud and aggravated identity theft. The indictment is not evidence. It simply contains the charges — referred to as “counts” — that the Government intends to prove to the jury at trial beyond a reasonable doubt.

The indictment contains two counts. Count One charges that Mr. Avenatti devised a scheme to defraud his client, Stephanie Clifford, also known as “Stormy Daniels,” by taking for himself payments due to Ms. Clifford pursuant to a book contract. The Government further alleges that Mr. Avenatti falsely represented to Ms. Clifford that the payments had not been made. Count Two charges that Mr. Avenatti used Ms. Clifford's identity — specifically, her name and signature — without her permission, namely on a document in which he allegedly falsely represented to Ms. Clifford's book agent that Ms. Clifford had given authorization for the payments to be sent by wire to an account controlled by Mr. Avenatti.

Mr. Avenatti has pleaded not guilty to both charges and denies these allegations. Mr. Avenatti is presumed innocent and that presumption of innocence continues unless or until you determine that the Government has proved each element of the crimes charged beyond a reasonable doubt.

(Please turn the page and read and complete the entire questionnaire.)

Juror Number: _____

PLEASE ANSWER ALL QUESTIONS TRUTHFULLY AND COMPLETELY:

TRIAL SCHEDULE AND PERSONAL HARDSHIP

Potential jurors will be called back for further questioning and jury selection on either Thursday, January 20, 2022, or Friday, January 21, 2022. Trial will commence immediately thereafter. Generally, trial will be held five days per week, Monday through Friday, from 9:00 a.m. until 3:00 p.m., with one (and only one) half hour break during the day. **The trial is expected to last up to four weeks (ending no later than Friday, February 18, 2022).**

If you are selected as a juror, you will be required to be present for the taking of testimony and evidence for as long as the trial lasts. There are no plans to sequester the jury, which means you will go home every day after court.

The Court views service on a jury to be one of the highest duties a citizen owes to the United States. **Mere inconvenience or the usual financial hardship of jury service will not be sufficient to excuse a prospective juror. You must show extraordinary personal or financial hardship to be excused from service.**

1. Do any circumstances exist such that serving on the jury in this case would entail serious hardship or extreme inconvenience? (Please circle.)

Yes

No

2. If the answer to the previous question was yes, please briefly describe the undue hardship or extreme inconvenience:

3. Do you have any difficulty reading, speaking, or understanding English? (Please circle.)

Yes

No

4. Do you have any problem with your hearing or vision or any physical or medical issues that would prevent you from giving your full attention to all of the evidence presented during this trial? (Please circle.)

Yes

No

5. If the answer to the previous question was yes, please briefly describe the condition or illness:

Whether or not you claim a hardship, you must complete the rest of this questionnaire.

Juror Number: _____

BACKGROUND

6. How old are you? _____
7. Are you a citizen of the United States? (Please circle.)
Yes _____ No _____
8. In what county of New York do you live? _____
9. Approximately how long have you lived in that county? _____
10. In what other county or counties, if any, have you lived in the last five years?

11. Who are the other members of your household, if any, and what, if anything, do they do for work?

12. Do you have grown children? If so, how many and what, if anything, do they do for work?

13. What newspapers or magazines do you read on a regular basis?

14. What television channels or shows, including streaming services, do you watch on a regular basis?

Juror Number: _____

15. Where do you typically get your news? For example, what print newspaper, magazines, television shows, radio shows, podcasts, or internet/app news site(s) (including social media) do you read, watch, or listen to on a regular basis?

16. Do you belong to or volunteer your time to any associations, organizations, clubs, or unions? If so, please list the group and explain your involvement and list any titles or roles you may have had in the leadership of such group.

17. What do you like to do in your spare time?

18. Have you ever served as a juror? (Please circle.)

Yes

No

19. If the answer to the previous question was yes, please complete as appropriate (**but please do not state what the verdict in any case was**).

a. Civil Cases

Number of times: _____

Number of: _____ Federal cases _____ State cases

1. For each: Was the jury asked to reach a verdict? (Please circle. If you have served as a juror in more than one civil trial, please use the blank space to the right of this question to indicate your “Yes” or “No” answer for each trial.)

Yes

No

Juror Number: _____

2. For each: If so, did the jury reach a verdict? (Please circle. If you have served as a juror in more than one civil trial, please use the blank space to the right of this question to indicate your “Yes” or “No” answer for each trial.)

Yes

No

3. For each: Were you the foreperson? (Please circle. If you have served as a juror in more than one civil trial, please use the blank space to the right of this question to indicate your “Yes” or “No” answer for each trial.)

Yes

No

b. Criminal Cases

Number of times: _____

Number of: _____ Federal cases _____ State cases

1. For each: Was the jury asked to reach a verdict? (Please circle. If you have served as a juror in more than one criminal trial, please use the blank space to the right of this question to indicate your “Yes” or “No” answer for each trial.)

Yes

No

2. For each: If so, did the jury reach a verdict? (Please circle. If you have served as a juror in more than one criminal trial, please use the blank space to the right of this question to indicate your “Yes” or “No” answer for each trial.)

Yes

No

3. For each: Were you the foreperson? (Please circle. If you have served as a juror in more than one criminal trial, please use the blank space to the right of this question to indicate your “Yes” or “No” answer for each trial.)

Yes

No

c. Grand Jury

Number of times: _____

Number of: _____ Federal cases _____ State cases

Juror Number: _____

20. This is a criminal case. Among other things, that means that the burden of proof differs from the burdens of proof that apply in a civil case or in the grand jury. If you have previously served as a juror in a civil case or on a grand jury, would you be able to follow the Court's instructions with respect to the burdens that apply in this case? (Please circle.)

Yes

No

21. If you have previously served as a juror, was there anything about your jury experience that would make you unable to be fair and impartial in this case? (Please circle.)

Yes

No

22. If the answer to the previous question was yes, please describe why it would be difficult for you to be impartial:

(The rest of this page is intentionally left blank. Please turn to the next page.)

Juror Number: _____

EDUCATION & EMPLOYMENT

23. How far did you go in school?

24. If you attended graduate or professional school, please specify your area of study and what degree you received, if any:

25. If you are currently employed, please tell us about your job:

Do you work more than one job? _____

Where do you work? _____

What is your job description? _____

How long have you worked at your job? _____

If you have held your current job for fewer than five years, what did you do previously?

26. If you are retired:

When did you retire? _____

How long did you work at your last job? _____

What was your title or job description? _____

27. If you are not employed outside the home, are you (select any/all that apply):

_____ A student? If so:

Where do you attend school? _____

How many days a week do you attend? _____

_____ A homemaker?

_____ Between jobs? If so, what is your usual employment? _____

_____ Disabled? What is the nature of the disability that prevents you from working?

_____ Other: _____

How long has it been since you were last employed outside the home?

Juror Number: _____

KNOWLEDGE AND OPINIONS OF THE CASE AND PARTIES

28. Do you or does any member of your family or a close friend personally know or have past or present dealings with Mr. Avenatti or any of his family members? (Please circle.) To “personally know” means to have some direct or personal knowledge. If you have heard someone’s name through media or social media, for example, that is not personal knowledge.

Yes

No

29. If the answer to the previous question was yes, please state how you, a member of your family, or a close friend personally know Mr. Avenatti or any of his family members, and whether your relationship with him or any of his family members might make it difficult for you to be a fair and impartial juror in this case.

30. Before today, had you read, seen, or heard anything about criminal charges brought against Mr. Avenatti? (Please circle.)

Yes

No

31. If the answer to the previous question was yes, please state what you remember hearing, and how or from whom you may have heard (e.g., a friend, the newspaper, a website).

32. Aside from anything you may have read, seen, or heard about criminal charges brought against Mr. Avenatti, before today, had you read, seen, or heard anything else about Mr. Avenatti? (Please circle.)

Yes

No

33. If the answer to the previous question was yes, please state what you remember hearing and how or from whom you may have heard about Mr. Avenatti (e.g., a friend, the newspaper, a website).

Juror Number: _____

34. Based on anything that you have read, seen, or heard about Mr. Avenatti, including anything about legal matters concerning Mr. Avenatti, have you formed any opinions about Mr. Avenatti that might make it difficult for you to be a fair and impartial juror in this case? (Please circle.)

Yes

No

Not applicable because I
have not read/seen/heard
about Mr. Avenatti

35. If the answer to the previous question was yes, please explain why it might be difficult for you to be a fair and impartial juror in this case.

36. Based on anything you have read, seen, or heard about Mr. Avenatti, including anything about legal matters related to Mr. Avenatti, would you be able to follow the Court's instruction to put that information out of your mind and decide this case based only on the evidence presented at trial? (Please circle.)

Yes

No

Not applicable because I
have not read/seen/heard
about Mr. Avenatti

37. Do you or does any member of your family or a close friend personally know or have past or present dealings with Ms. Clifford (also known as "Stormy Daniels") or any of her family members? (Please circle.)

Yes

No

38. If the answer to the previous question was yes, please state how you, a member of your family, or a close friend personally know Ms. Clifford (also known as "Stormy Daniels") or any of her family members, and whether your relationship with her or any of her family members might make it difficult for you to be a fair and impartial juror in this case.

39. Before today, had you read, seen, or heard anything about Ms. Clifford (also known as "Stormy Daniels"), including legal matters? (Please circle.)

Yes

No

40. If the answer to the previous question was yes, please state what you remember hearing, and how or from whom you may have heard (*e.g.*, a friend, the newspaper, a website).

Juror Number: _____

41. Based on anything that you have read, seen, or heard about Ms. Clifford (also known as “Stormy Daniels”), including about any legal matters, have you formed any opinions about Ms. Clifford that might make it difficult for you to be a fair and impartial juror in this case? (Please circle.)

Yes

No

Not applicable because I
have not read/seen/heard
about Ms. Clifford

42. If the answer to the previous question was yes, please explain why it might be difficult for you to be a fair and impartial juror in this case.

43. Based on anything you have read, seen, or heard about Ms. Clifford (also known as “Stormy Daniels”), would you be able to follow the Court’s instruction to put that information out of your mind and decide this case based only on the evidence presented at trial? (Please circle.)

Yes

No

Not applicable because I
have not read/seen/heard
about Ms. Clifford

44. Do you know or have you heard of any of the following people or entities, which include the lawyers in this case, people who may testify at the trial, and other names that may be mentioned during the course of the trial? (Please circle any for whom or which the answer is yes.)

- | | |
|-------------------------------|------------------------------------|
| • Emily Abrams | • Susan McClaran |
| • Pamela Baez | • Benjamin Meiselas |
| • Robert Baum | • Travis Miller |
| • Elizabeth Beier | • Mareli Miniutti |
| • Clark Brewster | • Denver Nicks |
| • Christine Carlin | • David Padilla |
| • Dmitri Chitov | • Brandon Parraway |
| • Dwayne Crawford | • DeLeassa Penland |
| • Andrew Dalack | • Matthew Podolsky |
| • Christopher De Grandpre | • Pro Tech Security and Automation |
| • Nora Engstrom | • Judy Regnier |
| • Anna Finkel | • Sally Richardson |
| • Mark Geragos | • Security and Automation LLC |
| • Tamara Giwa | • St. Martin’s Press |
| • Jack Guiragosian | • Robert Sobelman |
| • Luke Janklow | • Justin Stone |
| • Janklow & Nesbit Associates | • Mark Tuft |
| • Geoffrey Johnson | • Jessica Volchko |
| • Global Baristas | • Juliet Vicari |
| • Katrina Laperuta | • Donald Vilfer |
| • Sean Macias | • Damian Williams |
| • Macmillan Publishers | |

Juror Number: _____

45. If you circled any of the entries in the previous question, please describe your familiarity with that person or entity:

46. If you circled any of the entries in Question 44, would your familiarity with that person or entity make it difficult for you to be impartial to the parties in this case and to decide the case based solely on the evidence presented at trial? (Please circle.)

Yes

No

47. If the answer to the previous question was yes, please describe why it would be difficult for you to be impartial.

(The rest of this page is intentionally left blank. Please turn to the next page.)

Juror Number: _____

EXPERIENCE WITH THE LEGAL SYSTEM

48. Have you, or has any close friend or relative, ever studied or practiced law or worked in any capacity for a law office? (Please circle.)

Yes

No

49. Do you have any opinions about lawyers or the legal professional generally that would interfere with your ability to be a fair and impartial juror in this case? (Please circle.)

Yes

No

50. If the answer to the previous question was yes, please explain:

51. If you or any member of your immediate family has ever brought a lawsuit against anyone or been sued, would that experience affect your ability to be fair and impartial in this case? (Please circle.)

Yes

No

52. If the answer to the previous question was yes, please explain:

53. Have you or has any member of your immediate family ever appeared as a witness at a trial? (Please circle.)

Yes

No

54. Have you, or has any of your close friends or relatives, ever been involved, been questioned, or appeared as a witness in any investigation, including any investigation by a federal or state grand jury or a law enforcement agency? (Please circle.)

Yes

No

55. Have you ever been a witness or a victim in any federal or state prosecution? (Please circle.)

Yes

No

56. Have you, or has any of your close friends or relatives, ever been the victim of a crime (other than one you have mentioned in connection with a previous question)? (Please circle.)

Yes

No

Juror Number: _____

57. Have you, or has any of your close friends or relatives, ever been the subject of any investigation or accusation by any federal or state grand jury? (Please circle.)

Yes

No

58. Have you, or has any member of your immediate family, ever been a defendant in a criminal case or been incarcerated? (Please circle.)

Yes

No

59. Have you, or has any of your close friends or relatives, ever had any contact with law enforcement officials that has caused you to form strong opinions, either positive or negative, regarding law enforcement? (Please circle.)

Yes

No

60. If the answer to the previous question was yes, please explain:

61. Have you, or has any close friend or relative, ever worked for any law enforcement agency, such as the New York City Police Department, the Department of Corrections, the Federal Bureau of Investigation (also known as the "FBI"), the Drug Enforcement Administration (also known as the "DEA"), the Securities and Exchange Commission, the Bureau of Alcohol, Tobacco, Firearms and Explosives (also known as the "ATF"), the United States Marshals Service, the District Attorney, the United States Attorney, the Department of Justice, Probation or Parole, the Bureau of Prisons, or any other such agency? (Please circle.)

Yes

No

62. Do you know or do you have an association with any member of the staff of the United States Attorney's Office for the Southern District of New York? (Please circle.)

Yes

No

63. Do you have any bias or prejudice for or against the United States Attorney's Office or any other law enforcement agency? (Please circle.)

Yes

No

64. Have you, or has any member of your family, either as an individual or in the course of business, ever been involved in any legal action or dispute with the United States or any of the offices, departments, agencies, or employees of the United States, or had any interest in any such legal action or dispute or its outcome? (Please circle.)

Yes

No

65. Do you know or do you have an association with any member of the staff of the Federal Defenders of New York? (Please circle.)

Yes

No

Juror Number: _____

66. Do you have any bias or prejudice for or against the Federal Defenders of New York?
(Please circle.)

Yes

No

67. Do you, or do any of your relatives or close friends, work for a criminal defense attorney
or private investigator? (Please circle.)

Yes

No

68. Do you have any bias or prejudice for or against criminal defense attorneys? (Please
circle.)

Yes

No

(The rest of this page is intentionally left blank. Please turn to the next page.)

Juror Number: _____

BASIC LEGAL PRINCIPLES

69. Under the law, the facts are for the jury to determine and the law is for the Judge to determine. You are required to accept the law as the Judge explains it to you even if you do not like the law or disagree with it, and you must determine the facts according to those instructions. Do you accept this principle, and will you be able to follow the Judge's instructions if selected to serve on this jury? (Please circle.)

Yes

No

70. If the answer to the previous question was no, please explain:

71. The law provides that a defendant in a criminal case is presumed innocent at all stages of the trial and is not required to put on any defense at all. The Government is required to prove the defendant guilty beyond a reasonable doubt on each charge. Do you accept these principles, and will you be able to apply them if selected to serve on this jury? (Please circle.)

Yes

No

72. If the answer to the previous question was no, please explain:

73. The law provides that a defendant in a criminal case has an absolute right not to testify, and that a juror cannot hold it against the defendant if he chooses not to testify. Do you accept this principle, and will you be able to apply it if selected to serve on this jury? (Please circle.)

Yes

No

74. If the answer to the previous question was no, please explain:

75. A juror is required by law to make his or her decision based solely on the evidence or lack of evidence presented in Court, and not on the basis of conjecture, suspicion, bias, sympathy, or prejudice. Do you accept this principle, and will you be able to apply it if selected to serve on this jury? (Please circle.)

Yes

No

76. If the answer to the previous question was no, please explain:

Juror Number: _____

77. Under the law, the question of punishment is for the Court alone to decide, and thus the issue of punishment must not enter into your deliberations as to whether the defendant is guilty or not guilty as charged. Do you accept this principle, and will you be able to apply it if selected to serve on this jury? (Please circle.)

Yes

No

78. If the answer to the previous question was no, please explain:

79. You may hear testimony in this case that law enforcement officers recovered certain evidence from searches. The Court will instruct you that those searches were legal and that the evidence obtained from those searches is admissible in this case. Do you have any feelings or opinions about searches conducted by law enforcement officers, or the use of evidence obtained from searches, that would affect your ability to be fair and impartial in this case? (Please circle.)

Yes

No

80. You also may hear testimony in this case from expert witnesses. Have you had any experiences with expert witnesses, or do you have any general feelings about the use of expert witnesses, that would affect your ability to be fair and impartial in this case? (Please circle.)

Yes

No

81. Do you have any religious, philosophical, or other beliefs that would make you unable to render a verdict in a criminal case? (Please circle.)

Yes

No

82. If the answer to the previous question was yes, please explain:

83. **From now and until your jury service is complete**, you must avoid any discussion of this case, whether in the media, on social media, on the Internet, or elsewhere. That is, you are forbidden from consuming any news media or social media or any discussion of this case (or of anyone participating in the case) outside of the courtroom whatsoever. You also must not discuss this case with anyone. This includes your family, friends, spouse, domestic partner, colleagues, and co-workers. These instructions apply from now and until you are either dismissed from jury selection or chosen as a juror and the trial is complete. When you return for the next step in jury selection, the Judge will ask you if you have followed this instruction. Do you have any reservations or concerns about your ability or willingness to follow this instruction? (Please circle.)

Yes

No

Juror Number: _____

84. If the answer to the previous question was yes, please explain:

85. Apart from any prior question, is there *any* reason that you could *not* be a conscientious, fair, and impartial juror in this case and render a true and just verdict without fear, favor, sympathy, or prejudice, according to the law as the Judge will explain it to you? (Please circle.)

Yes

No

86. If the answer to the previous question was yes, please explain:

87. Do you wish for any particular answer(s) to remain confidential and to not go beyond the Judge, counsel, and the Defendant, because the answer would embarrass you or otherwise seriously compromise your privacy? (Please circle.)

Yes

No

88. If the answer to the previous question was yes, please list which question number(s) and, if necessary, provide a brief explanation of why you wish your answer to remain confidential:

If you need additional space to finish any of your answers, please use the pages that follow.

You MUST sign the following Declaration to complete the questionnaire.

DECLARATION

I, _____ (*print name*) declare under penalty of perjury that the answers set forth in this Jury Questionnaire (including any answers set forth on the following pages) are true and correct to the best of my knowledge and belief. I have not discussed my answers with others, or received assistance in completing the questionnaire.

Signed this 13th day of January, 2022

(signature)

Juror Number: _____

You may use the following pages to finish any answers that you could not fit in the spaces provided above. If you write anything below, please indicate the number of the relevant question.

[illegible]

[illegible]

Juror Number: _____

[illegible]